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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,915	03/31/2004	Amy Swift	1DATA.060A	5074
20995	7590	06/13/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				PAIK, STEVE S
		ART UNIT		PAPER NUMBER
		2876		

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/813,915	SWIFT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven S. Paik	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                         |                                                                             |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.                                               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                         | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt is acknowledged of the Amendment filed March 20, 2006. The applicant amended claims 1, 7, 10-16, 18-22, and 29 and cancelled claims 30-36 without prejudice or disclaimer.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Mollett et al. (US 2003/0216988 A1, cited by the applicant).

Re claim 1, Mollett et al. disclose a method of processing financial transactions from a customer at an unmanned location ([0046]), the method comprising:

acquiring identification information (such as a telephone number) from at least one customer;

calculating a suspicious activity score (by a risk assessment system 370) for the customer wherein the suspicious activity score is indicative of a level of suspicion associated with customer activity ([0089]);

storing the suspicious activity score in a suspicious persons database wherein the suspicious activity is associated with the customer ([0090]-[0091]);

periodically modifying the value of the suspicious activity score based on the customer activity ([0060]);

determining whether the customer has previously engaged in suspicious activity by comparing the customer's identification information to information stored in the suspicious persons database([0012] or negative database [0107]);

retrieving the suspicious activity score indicative of a level of suspicion from the suspicious persons database if the customer has previously engaged in suspicious behavior or suspicious activity ([0088]; and

authorizing financial transactions for the customer if the suspicious activity score is below a threshold ([0089]-[0094]).

Re claim 2, Mollett et al. disclose the method as recited in rejected claim 1 stated above, wherein processing financial transactions comprises cashing a paper drafted check ([0046] and [0052]).

Re claim 4, Mollett et al. disclose the method as recited in rejected claim 1 stated above, wherein acquiring identification information comprises acquiring at least one of a name, social security number, and a driver's license number ([0089]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2876

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3 and 5-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mollett et al. (US 2003/0216988 A1, cited by the applicant) in view of Otto (US 6,578,760 B1).

Re claims 3, 14, 16, and 18-26, Mollett et al. disclose systems and methods for using information indicative of whether a phone number received from a customer in conjunction with a proposed financial transaction is valid or non-valid to help assess risk associated with the transaction. In one embodiment, information about the validity or non-validity of a telephone number is used to determine whether or not to accept the proposed financial transaction. In one embodiment, information about the validity or non-validity of a telephone number is converted into a variable that used in conjunction with other risk indicators to produce a risk score for evaluating the risk of a proposed transaction.

However, the reference is silent about the method and system being used at an ATM utilizing biometric information for verification of a person who attempts to cash a check.

Otto discloses a self-service kiosk for cashing checks. A kiosk, such as an Automated Teller Machine (ATM) receives a bank check from a customer. The system includes a various verification devices to minimize a fraudulent activity.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have incorporated an ATM as one of self-service check cashing terminal as taught by Otto into the teachings of Mollett et al. for the purpose of maximizing the usability and applicability of a risk scoring based financial transaction terminal.

Re claim 5, Mollett et al. in view of Otto disclose the method as recited in rejected claim 1 stated above, wherein acquiring identification information comprises acquiring biometric information of the customer (col. 6, ll. 30-37 of Otto).

Re claim 6, Mollett et al. in view of Otto disclose the method as recited in rejected claim 5 stated above, wherein the biometric information is an image (iris or retina, or fingerprint images).

Re claim 7, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 5 stated above, comparing the customer's identification information to information stored in the suspicious persons database comprises comparing the customer's biometric information to previously stored biometric information in the suspicious persons database (col. 6, ll. 37-37 of Otto; It is well known that biometric data of a person is stored as biometric template in a database for a future verification by comparing it with an input – live biometric data of the person.).

Re claims 8 and 9, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 7 stated above, wherein the method further comprises contacting a customer service agent if the customer's biometric information matches at least one of the previously stored biometric information in the suspicious person database and verifying the identity of the customer by the customer service agent if the customer's biometric information

Art Unit: 2876

matches at least one of the previously stored biometric information in' the suspicious persons database (Fig. 4 of Mollett et al. disclose a process of a clerk re-verifying customer's unique information against a negative database. The same process may be applied to a verification process that uses a biometric data of a user.).

Re claim 10, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 9 stated above, wherein the method further comprises declining financial transactions for the customer if the customer service agent determines that the customer is engaging in suspicious behavior or suspicious activity (step 450 in Fig. 4 of Mollett et al.).

Re claim 11, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 10 stated above, wherein the suspicious activity comprises suspicious behavior ([0093-0103]).

Re claim 12, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 11 stated above, wherein the method further comprises verifying the score by the customer service agent if the suspicious activity score is above a pre-selected threshold ([0093-0103]).

Re claim 13, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 12 stated above, wherein the method further comprises. declining the financial transaction by the customer service agent if the suspicious activity score is above a pre-selected threshold ([0093-0103]).

Re claims 15 and 17, Mollett et al. in view of Otto disclose the system and method as recited in rejected claims 14 and 16stated above, wherein the method further comprises declining

financial transactions from customers that have suspicious activity scores above a preset threshold of suspicious behavior or suspicious activity ([0093]-[0094]).

Re claim 27, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 26 stated above, wherein the transaction information comprises information on the check (step 35 of Fig. 2 in the Otto reference).

Re claim 28, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 22 stated above, wherein the storage component is a database (biometric database; col. 6, ll. 30-38).

Re claim 29, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 22 stated above, wherein the suspicious behavior or suspicious activity includes fraud (col. 2, line 5-col. 3, line 22).

***Response to Arguments***

7. Applicant's arguments filed March 20, 2006 have been fully considered but they are not persuasive.

**Rejection of Claims 1, 2 and 4 under 35 U.S.C. § 102(e)**

The applicant argues that amended Claim 1 is different than the negative database described in Mollett Publication. Indeed, neither the Mollett Publication, nor any of the other cited references, describes a stored suspicious persons activity score is periodically modified based on customer activity.

The examiner respectfully disagrees. First, nowhere in the recited claims recite the suspicious persons database is not a negative database. Therefore, the database of Mollett reference can be reasonably considered as reading on the recited limitation. Second, the database

Art Unit: 2876

of Mollett is modified/updated when the stored information passes the threshold time limit ([0060]). Therefore, it is concluded that the database is updated periodically as recited in the amended claim.

**Rejection of Claims 3 and 5-36 under 35 U.S.C. § 103(a)**

Since the argument of primary reference Mollett is moot in view of above discussion. Dependent claims and other independent claims arguing aforementioned deficiency appear to be unpersuasive for the reasons discussed in this Office Action.

In conclusion, claims 1-29 remained rejected.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 5:30a-2:00p (Maxi-Flex\*).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven S. Paik  
Primary Examiner  
Art Unit 2876

ssp